

Brenda R. Sharton (admitted *Pro Hac Vice*)
 DECHERT LLP
 One International Place, 40th Floor
 100 Oliver Street
 Boston, MA 02110-2605
 Telephone: (617) 728-7100
 Facsimile: (617) 275-8374
 brenda.sharton@dechert.com

Benjamin M. Sadun (Bar No. 287533)
 DECHERT LLP
 US Bank Tower
 633 West 5th Street, Suite 4900
 Los Angeles, CA 90071-2032
 Telephone: (213) 808-5700
 Facsimile: (213) 808-5760
 benjamin.sadun@dechert.com

Theodore E. Yale (*Pro Hac Vice* forthcoming)
 DECHERT LLP
 2929 Arch Street
 Philadelphia, PA 19104
 Telephone: (215) 994-4000
 Facsimile: (215) 655-2455
 theoore.yale@dechert.com

Attorneys for Defendant Prisma Labs, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JACK FLORA, ERIC MATSON, NATHAN
 STONER, COURTNEY OWENS, and D.J., A
 MINOR CHILD, individually and on behalf of
 similarly situated individuals,

Plaintiffs,

v.

PRISMA LABS, INC.,

Defendant.

Case No.: 3:23-cv-00680-CRB

**DECLARATION OF BENJAMIN M.
 SADUN IN SUPPORT OF
 DEFENDANT PRISMA LABS, INC.'S
 NOTICE OF MOTION AND MOTION
 TO COMPEL ARBITRATION**

COMPLAINT FILED: February 15, 2023

Date: July 28, 2023
 Time: 10:00 A.M.
 Dept.: Courtroom 6 – 17th Floor
 Judge: Honorable Charles R. Breyer

**DECLARATION OF BENJAMIN M. SADUN IN SUPPORT OF DEFENDANT
PRISMA LABS, INC.'S NOTICE OF MOTION AND MOTION TO COMPEL ARBITRATION**

I, Benjamin M. Sadun, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at law licensed to practice in the State of California and practice at the law firm of Dechert LLP, counsel of record for Defendant Prisma Labs, Inc. (“Prisma”) in the above-captioned case. I make this declaration in support of Prisma’s Motion to Compel Arbitration. I have personal knowledge of the matters set forth in this declaration, and if called upon as a witness I could and would testify competently thereto:

2. Attached hereto as Exhibit A is a true and correct copy of the Terms of Use agreement between Prisma and users of the Lensa AI App, effective from December 2, 2022 through December 14, 2022, available at <https://tos.lensa-ai.com/terms-dec-2-2022>.

3. Attached hereto as Exhibit B is a true and correct copy of the Privacy Policy between Prisma and users of the Lensa AI APP, effective from December 2, 2022 through December 14, 2022, available at <https://tos.lensa-ai.com/privacy-dec-2-2022>.

4. Attached hereto as Exhibit C is a true and correct copy of the launch screen that users would see when first opening the Lensa App on an Android device. The “NEXT” button would remain grayed out and inoperable unless and until the user clicked the check box next to the words “I agree to Privacy Policy and Terms of Use.” Those underlined words were hyperlinked to the then in-effect Lensa Privacy Policy and Terms of Use, respectively.

5. Attached hereto as Exhibit D is a true and correct copy of the launch screen that users would see when first opening the Lensa App on an iOS device from December 2-3, 2022. The words “Terms of Use” were hyperlinked to the then in-effect Lensa Terms of Use and the words “Privacy Policy” were hyperlinked to the Lensa Privacy Policy.

6. Attached hereto as Exhibit E is a true and correct copy of the launch screen that users would see when first opening the Lensa App on an iOS device from December 4-14. The “Next” button would remain grayed out and inoperable unless and until the user clicked the check box next to the words “I agree to Privacy Policy and Terms of Use.” Those underlined words were hyperlinked to the then in-effect Lensa Privacy Policy and Terms of Use, respectively.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true and
2 correct.

3 Executed this 21st day of June, 2023, in Los Angeles, California.

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5 By: /s/ Benjamin M. Sadun
6 Benjamin M. Sadun
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